

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:09cv228

JEMIKI PROPERTIES, LLP,

Plaintiff,

Vs.

PREMIER REALTY MANAGEMENT,
LLC,

Defendant.

ORDER

THIS MATTER is before the court on plaintiff's "Request for Clerk to Issue Notice to Debtor of Right to have Exemptions Designated" (#16). Such request is not accompanied by a certificate of service on counsel for defendant, Fed.R.Civ.P. 5(a)(1)(B), (D), & (E), and must be denied. While the court notes and appreciates counsel's diligence in this matter, prior to filing such request again, counsel for plaintiff is respectfully advised to closely review Chapter 1C-1601(a) of the North Carolina General Statutes, which provides in relevant part that "[e]ach **individual**, resident of **this State**, who is a debtor is entitled to retain free of the enforcement of the claims of creditors" Id. (emphasis added). Close review of the Complaint reveals that defendant is neither an individual nor a resident of North Carolina.

During the period the undersigned was involved in active practice of law as an attorney the undersigned represented parties who were in the same position as the plaintiff in this case. The court would respectfully refer plaintiff's counsel to the "Uniform Enforcement of Foreign Judgments Act" of the North Carolina General

Statutes, and the procedures set forth in N.C. Gen. Stat. 1C-1703 et seq.

ORDER

IT IS, THEREFORE, ORDERED that plaintiff's "Request for Clerk to Issue Notice to Debtor of Right to have Exemptions Designated" (#16) is **DENIED** without prejudice.

Signed: June 4, 2010

Dennis L. Howell

Dennis L. Howell
United States Magistrate Judge

